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ALLIANCES IN MEXICO

April 11, 2024

**BY ECF**

Honorable Jesse M. Furman  
United States District Court  
Thurgood Marshall United States Courthouse  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: *Martinez et al v. Petróleos de Venezuela, S.A.*  
Civil Case No. 23-cv-08923-JMF

Dear Judge Furman:

We represent the plaintiffs in the above-captioned matter. We write pursuant to the prior orders of this Court which: (i) scheduled an Initial Pretrial Conference for April 6, 2024; (ii) directed plaintiffs to serve notice of said Conference upon the defendant, Petróleos de Venezuela, S.A. (“PDVSA”); and (iii) directed the parties to submit a joint letter and proposed case management plan by today. (D.E. 6, 10 & 12.) Unfortunately, we remain unable to comply with the third item on this list, because PDVSA has not yet appeared in this matter and our ongoing efforts to contact PDVSA through its outside counsel have not yet borne fruit.

Plaintiffs initiated this breach-of-contract lawsuit on October 11, 2023 to enforce their rights under a series of securities issued by PDVSA pursuant to several indenture agreements. On December 28, 2023, we reported to the Court that PDVSA had breached its contractual obligation to accept service of process through its designated agents, Corporation Service Company and CT Corporation. (D.E. 9.) Your Honor accordingly entered an order dated December 29, 2023, extending the deadline for us to serve PDVSA and adjourned the Conference to next week. (D.E. 10.) Since the entry of that order, plaintiffs have successfully served PDVSA in a manner consistent with the Foreign Sovereign Immunities Act, *i.e.*, 28 U.S.C. § 1608(b). (D.E. 11.)

Consistent with the Court’s Notice of Initial Conference, plaintiffs have attempted to advise PDVSA of Tuesday’s Conference. In the first instance, we contacted the lawyers who have represented PDVSA in other similar litigation matters in the Southern District of New York, including in a pending lawsuit our firm is handling. *See Lovati v. PDVSA*, 19-cv-04799-ALC-JLC (S.D.N.Y.). Those lawyers recently informed us, however, that they “are not representing PDVSA

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in this matter and have no knowledge if any firm is doing so at this time.” We therefore caused copies of the Court’s orders to be served on PDVSA using the same process server that served the summons and complaint (we are still awaiting a notarized proof of service reflecting the same, having been informed that notary access in Venezuela can be difficult).

To date, PDVSA has not appeared in this action and we have not been contacted by anyone on behalf of PDVSA concerning the papers we have served. As such, we are unable to prepare a case management order, so we respectfully suggest that the Court remove next Tuesday’s Conference from its calendar.

Plaintiffs intend to initiate default proceedings pursuant to Rule 55 in the near term. Before asking the Court to entertain default judgments that might later be the subject of motions to vacate, however, it seems prudent for plaintiffs first to confirm whether PDVSA’s non-appearance is intentional. To that end, we are making efforts to contact PDVSA through its attorneys in a series of related, ongoing judgment enforcement actions pending in the District of Delaware. *See Crystallex Int’l Corp. v. Bolivarian Republic of Venezuela*, 17-mc-00151-LPS (D. Del.). If PDVSA still has not made an appearance after we have exhausted these efforts, plaintiffs will resort to Rule 55.

Given that a case management order does not currently appear to be warranted, we respectfully request that the Court adjourn Tuesday’s Conference for 30 days in the event that our outreach results in PDVSA entering its appearance. Alternatively, to the extent Your Honor may have any questions, we welcome the opportunity to speak with the Court on Tuesday about any of the foregoing issues.

We thank the Court for its consideration of this matter.

Respectfully submitted,

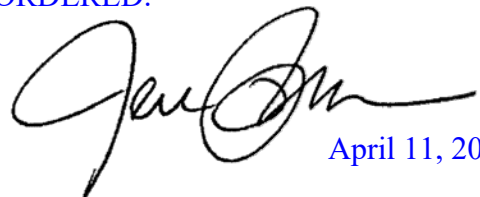
/s/ Rudolph J. Di Massa, Jr.

Rudolph J. Di Massa, Jr.

RJD:dtm

The initial pretrial conference scheduled for April 16, 2024, is hereby ADJOURNED *sine die*. Plaintiffs shall continue to make diligent efforts to reach Defendant and, no later than **May 13, 2024**, shall file a status letter (or joint status letter, if Defendant has appeared) informing the Court of where the matter stands. At that time, the Court will either set a schedule for default judgment briefing or, if Defendant has appeared, reinstate the initial pretrial conference. The Clerk of Court is directed to terminate ECF No. 13.

SO ORDERED.



April 11, 2024